

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

PORT HAMILTON REFINING &  
TRANSPORTATION, LLLP,

Plaintiff,

vs.

NATIONAL INDUSTRIAL SERVICES,  
LLC,

Defendant.

CASE NO.: 1:24-CV-00023

ACTION FOR TEMPORARY  
RESTRAINING ORDER,  
PRELIMINARY INJUNCTION,  
AND PERMANENT INJUNCTION

**DEFENDANT, NATIONAL INDUSTRIAL SERVICES, LLC'S  
MOTION FOR LEAVE TO FILE SUR-REPLY TO  
PLAINTIFF'S REPLY TO THE OPPOSITION TO THE EMERGENCY MOTION TO  
EXTEND TEMPORARY RESTRAINING ORDER**

Defendant, National Industrial Services, LLC ("NIS"), requests that the Court enter an Order allowing it to submit a brief sur-reply to Plaintiff, Port Hamilton Refining and Transportation, LLLP's ("PHRT") Reply to the Opposition to the Emergency Motion to Extend Temporary Restraining Order.

On September 20, 2024, PHRT filed its Emergency Motion to Extend Temporary Restraining Order. NIS filed its Opposition to PHRT's Emergency Motion on September 23, 2024. On September 25, 2024, PHRT filed its Reply to NIS' Opposition to Emergency Motion to Extend Temporary Restraining Order.

Pursuant to Rule 7.1(a) of the Local Rules of Civil Procedure, "only a motion, a response in opposition, and a reply may be served on counsel and filed with the Court; further response or reply may be made only by leave of Court before filing." However, it is appropriate to grant a sur-reply to allow the non-moving party the opportunity to respond to arguments raised for the first time in the movant's reply. *See e.g., Carlins v. Board of Directors of Gallows Point Condominium*

*Corp.*, 2004 WL 3222762, at \*2 (D.Vi. Nov. 29, 2004). *See also Amlim Underwriting, Ltd. v. Caribbean Auto Mart of the St. Croix, Inc.*, 2010 WL 3825106 (D.Vi. September 28, 2010).

Wherefore, Defendant, National Industrial Services, LLC, moves the Court for an order granting leave for it to file a sur-reply to Plaintiff, Port Hamilton Refining and Transportation, LLLP's Reply to the Opposition to the Emergency Motion to Extend Temporary Restraining Order.

Respectfully submitted,

Dated: September 26, 2024

/s/Kevin F. D'Amour  
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